

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

TIMOTHY JONES,)
)
)
Plaintiff,)
)
)
v.) 1:16CV1093
)
)
SCOTLAND CORRECTIONAL)
INSTITUTION,)
)
)
Defendant.)

ORDER

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on September 13, 2016, was served on the parties in this action. (ECF Nos. 17, 18.) Plaintiff filed numerous documents after entry of the Recommendation. (See ECF Nos. 19 through 35.) The Court has appropriately reviewed the Magistrate Judge's Recommendation and, in light of Plaintiff's numerous post-Recommendation filings, the Court, out of an abundance of caution, has made a *de novo* determination in accord with the Magistrate Judge's Recommendation.¹ The Court therefore adopts the Magistrate Judge's Recommendation.

¹ Section 636(b) provides that a federal district judge "shall make a *de novo* determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b). Here, none of Plaintiff's post-Recommendation filings provide any specific objections to "findings or recommendations" in the Magistrate Judge's Recommendation. (See ECF Nos. 19 through 35.) Under these circumstances, the Court need not conduct a *de novo* review of the Recommendation. Littlejohn v. Qaddafi, Civ. Action No. 7:10-1122-RBH, 2010 WL 2026673, at *1 (D.S.C. May 20, 2010) (unpublished) (concluding that "[t]he district court need not conduct a *de novo* review when a party makes only general and conclusory objections that do not direct the court to a specific error in the [m]agistrate [j]udge's proposed findings and recommendations" (citing Orpiano v. Johnson, 687 F.2d 44, 47–48 (4th Cir. 1982))). Nevertheless,

IT IS THEREFORE ORDERED that this action is filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited in the Magistrate Judge's Recommendation. A Judgment dismissing this action will be entered contemporaneously with this Order.

This, the 7th day of October, 2016.

/s/ Loretta C. Biggs
United States District Judge

the Court has conducted such a *de novo* review and adopts the Magistrate Judge's Recommendation. The Court further notes that none of the post-Recommendation filings correct the defects identified in the Recommendation. (See ECF 17 at 1-2.) Accordingly, the Court will dismiss this action notwithstanding the post-Recommendation filings.